



Division of
Enforcement

COMMODITY FUTURES TRADING COMMISSION

290 Broadway – 6th Floor
New York, NY 10007
Telephone: (646) 746-9700
Facsimile: (646) 746-9888
www.cftc.gov

January 4, 2024

VIA ECF

Hon. Cheryl L. Pollak
United States Magistrate Judge
United States Courthouse
225 Cadman Plaza East
Brooklyn, NY 11201

Re: *Commodity Futures Trading Commission v. Temurian et al.* (23-cv-1235)

Dear Judge Pollak:

The undersigned counsel for the Plaintiff Commodity Futures Trading Commission respectfully requests a status conference regarding the January 2, 2024 motion to withdraw of David DeStefano (the “Motion”), Dkt. No. 23, and respectfully opposes the Motion, pending the outcome of the status conference.¹

Mr. DeStefano is currently the sole attorney of record for both the defendant Armen Temurian and defendant Vista Network Technologies. No other counsel has appeared for either defendant. Plaintiff has made document requests and is still awaiting production of documents from defendants, noticed two depositions this month including that of Mr. Temurian noticed for January 8, 2024,² and anticipates noticing further depositions in the coming days. Fact discovery is scheduled to conclude by March 15, 2024, and a status conference is scheduled for March 27, 2024. Plaintiff is concerned about completing discovery in light of the Motion without an orderly plan for the case going forward.

Given that the Motion describes defendants’ repeated unresponsiveness, that no other counsel has appeared for defendants, and that the Motion describes no plans of defendants to retain new counsel, Plaintiff respectfully requests that individual defendant Armen Temurian be directed to attend the status conference, on his own behalf and on behalf of Vista Network Technologies as officer or representative thereof, to address discovery scheduling as well as each defendant’s representation, if any, going forward.

¹ We have conferred with defense counsel regarding our request for a status conference and he indicated that he opposes that request.

² Regarding the date of the notice, we have conferred with defense counsel as to scheduling the deposition and whether January 9 may be more convenient, and counsel indicated he would confer with his client. To date, we have not heard back with a confirmed date.

Respectfully submitted,

/s/ Katie Rasor
Trial Attorney
Commodity Futures Trading Commission
Division of Enforcement
290 Broadway, 6th Floor
New York, NY 10007
(646) 746-9751
krasor@cftc.gov

ATTORNEY FOR PLAINTIFF
COMMODITY FUTURES TRADING
COMMISSION

cc: David DeStefano, Esq. (via ECF)